

PROB 12C
(7/93)

6:24-MJ-0006 - JCM

UNITED STATES DISTRICT COURT

FILED

January 12, 2024

JAN 8 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

for

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ae DEPUTY CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Ricky Allen Hicks, Jr. Case Number: DR-21-CR-00168-01

Name of Sentencing Judicial Officer: Honorable Alia Moses, Chief United States District Judge

Date of Original Sentence: May 24, 2022

Original Offense: Ct. 1: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324

Original Sentence: 18 months imprisonment followed by 3 years supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: May 31, 2022

Assistant U.S. Attorney: Larry Wayne Fadler Jr. Defense Attorney: Jaime J. Zampierollo-Vila (AFPD)

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

- ☒ The issuance of a warrant
- ☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Special Condition: The defendant shall not use or possess any controlled substances without a valid prescnpt10n. If a valid prescription exists, the defendant must disclose the prescription information to the probation officer and follow the instructions on the prescription.
2.	Mandatory Condition No. 2: The defendant shall not unlawfully possess a controlled substance.
3.	Mandatory Condition No. 3: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.

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On August 17, 2023, the probation officer completed a home inspection at the offender's residence at the Cielito Lindo Motel in Del Rio, Texas. During the visit, the offender verbally admitted to the probation officer that he had recently used illegal narcotics, namely methamphetamine. Later that same day, the offender reported to the U.S. Probation Office in Del Rio, Texas, and submitted a urine specimen for drug testing. The urine specimen was subsequently sent to the regional drug testing laboratory where it was confirmed to be positive for amphetamine.

On September 14, 2023, during an office visit at the U. S. Probation Office in Del Rio, Texas, the offender verbally admitted to his probation officer he had recently used methamphetamine.

On December 7, 2023, U.S. Probation Officer Matthew MacRoy conducted a home visit on the offender. During the visit, the offender provided a urine specimen for drug testing which subsequently tested positive for amphetamine and methamphetamine. While discussing the matter with the probation officer, the offender admitted that he was "messing up."

4. **Standard Condition No. 9: If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.**
5. **Standard Condition No. 13: The defendant shall follow the instructions of the probation officer related to the conditions of supervision.**

On December 2, 2023, the offender was a passenger in a vehicle that was stopped by the Robinson, Texas, Police Department. The driver was determined to have a small quantity of marijuana on his person, which was confiscated. Additionally, the offender was determined to have an unused syringe in his pocket during the traffic stop. No arrests were made, and the offender and the driver were released at the scene. The offender failed to notify his probation officer of this law enforcement contact within 72 hours.

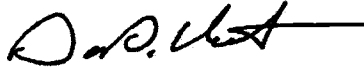
U.S. Probation Officer Recommendation: The offender began his supervised release at the Dismas Charities Residential Reentry Center (RRC) in Del Rio, Texas. During his time at the RRC, the offender made significant positive progress. As soon as the offender secured a residence, the offender was released from the halfway house to continue his supervision in the community. Unfortunately, the offender quickly returned to his old ways as demonstrated by the violations outlined above. The offender was granted permission to relocate to the Waco, Texas area to live with his mother in a last-ditch effort to regain compliance. However, this too proved unsuccessful. Therefore, it is respectfully recommended a supervised release violation warrant be issued for the offender.

The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for _____ years for a total term of _____ years
- ☐ The conditions of supervision should be modified as follows:

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Approved:



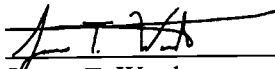
Darren P. Kohut
Supervising U.S. Probation Officer

Respectfully Submitted,



James Escobedo
U.S. Probation Officer,
Date: December 19, 2023
Telephone #: 830-703-2089, ext. 6142

Approved:



James T. Ward
Supervisory Assistant U.S. Attorney

cc: Andrew Gonzales
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$ Retain cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a SUMMONS.
- ☐ Other _____



Honorable Alia Moses
Chief U.S. District Judge

January 3, 2024
Date